



Protecting Water For Future Generations

March 16, 2012

Mr. Walter Fett
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

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WATER PROTECTION PROGRAM

Re: 10 CSR 20-6.100 General Pretreatment Regulation Proposed Rule

Dear Mr. Fett:

The following comments are submitted on behalf of the City of Springfield, Department of Environmental Services (DES), Clean Water Services Division (CWS). CWS administers the City's approved industrial pretreatment program.

We commend the Missouri Department of Natural Resources (Department) for proposing to adopt federal pretreatment streamlining regulations. With EPA poised to promulgate pretreatment standards for dental amalgam discharges, we need the authority to issue general permits and to require Best Management Practices in lieu of effluent limits. Streamlining provisions should enable us to more effectively manage the anticipated increased workload associated with regulating dental amalgam discharges as categorical industrial users.

We are concerned about the proposed substitution of "the Missouri Hazardous Waste Management Law...and the Missouri Solid Waste Management Law..." for "subtitles C and D of the Resource Conservation and Recovery Act" in 40 CFR §403.8(f)(2)(iii). Section 403.8(f)(2)(iii) requires the Publicly Owned Treatment Works (POTW) to develop and implement procedures to notify significant industrial users (SIUs) of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the (Clean Water) Act and subtitles C and D of the Resource Conservation and Recovery Act.

The City of Springfield's Southwest Wastewater Treatment Plant Operating Permit, Special Condition 8, requires the permittee to implement and enforce its approved pretreatment program in accordance with the requirements of 40 CFR Part 403. We, and we assume other POTWs with approved pretreatment programs, have already notified SIUs of applicable requirements under subtitles C and D of the Resource Conservation and Recovery Act pursuant to §403.8(f)(2)(iii) and continue to fulfill the requirement as new SIUs are added.

The stated purpose of this rulemaking is to incorporate substantive changes to the federal General Pretreatment Regulation, 40 CFR Part 403. The federal Pretreatment Regulation has been amended to reduce regulatory burden on industries and POTWs. Establishing new notification requirements for POTWs (to notify SIUs of applicable requirements under Missouri Hazardous Waste and Solid Waste Management Laws) is inconsistent with federal streamlining efforts. Further, we question the need for POTWs to provide additional notification to industries of requirements under Missouri Hazardous Waste and Solid Waste Management Laws, which have been on the books since the 1970s. SIUs should already be aware of their obligations under state law. Also, the Fiscal Note for the proposed rule does not address costs for the new notification requirements.

It is our desire the Department will remove this provision, but if the intent is to establish new SIU notification requirements, then the proposed 10 CSR 20-6.100 should be amended for clarification. 40 CFR §403.8(f)(2)(iii) pertains to requirements that POTWs had to meet when their SIU lists were first approved. Since our program was approved in 1985 we have notified all SIUs of their RCRA reporting requirements and have always informed new SIUs of the requirements as well. Instead of the substitution in Section (10) of "the Missouri Hazardous Waste Management Law...and the Missouri Solid Waste Management Law..." for "subtitles C and D of the Resource Conservation and Recovery Act" in 40 CFR §403.8(f)(2)(iii), the Department should establish the new notification requirements in a new paragraph and include information about how and when to provide the notification to industrial users (*e.g.*, may be done during the annual SIU inspection).

Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Randall Lyman".

Randy Lyman
Environmental Compliance Officer

c: Steve Meyer, P.E., Dir. of Environmental Services
Refaat Mefrakis, MDNR
Jan Millington, Asst. City Attorney
Pretreatment Inspectors